

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 250 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

GANDHI PREMJI PRANJIVAN

Versus

VANZA GHATI SAMASTA

Appearance:

MR JR NANAVATI for Petitioner

MR VIJAY H PATEL for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/11/98

ORAL JUDGEMENT

The dispute pertains to the alleged claim of easementary rights of light and air by the plaintiff from the disputed windows. The trial court granted injunction in favour of the plaintiff restraining the defendant from raising any construction thereby to close the windows in the building of the plaintiff-petitioner, but on appeal filed by the defendant-respondent, the first appellate court vacated the said temporary injunction. Hence, this

revision application before this Court.

On 17th February, 1995 this revision application has come up for admission before this Court on which date, notice was ordered to be issued to respondent. The matter has come up for admission on 6-3-1995 on which date, after hearing the counsel for the respondent, the revision application was admitted and interim relief in terms of para-3(B) has been granted. Para-3(B) reads as under:

3(B) To issue injunction restraining the respondent herein from making any construction adjoining the northern wall of the petitioner's house closing or covering windows and preventing light and air coming to the said windows during the pendency and final hearing of this revision application.

For all these years, the interim relief which has been granted by this Court continues. Earlier to this, interim relief granted by the courts below was continued. So windows are continuing and the defendant-respondent is not able to close those windows so far by putting construction.

This revision application arises from suit No.44 of 1987 pending in the Court of Civil Judge (J.D.), Dwarka and I am of the opinion that interest of justice will be met in case this revision application is disposed of in the terms that the interim relief which has been granted by this court shall continue till the decision of the civil suit. Learned trial court is directed to finally decide the suit within a period of six months from the date of receipt of writ of this order. The civil revision application and Rule stand disposed of accordingly with no order as to costs.
